

United States v. Reese (1875)

It was just six years after the Fifteenth Amendment had been adopted when Chief Justice Morrison Waite wrote a jolting opinion of the Court that made the federal guarantee of the right to vote all but worthless. The case of *United States v. Reese* had been brought in behalf of a black man otherwise qualified who went to register to vote in Lexington, Kentucky, but when he offered payment of the compulsory head tax—that is, a form of poll tax—it was refused. When he showed up to vote on election day and was again refused, he turned to federal authorities, who had the local white election officials duly indicted. It seemed an obvious example of denial of the right to vote, in a manner prohibited by the Fifteenth Amendment. Here was exactly the kind of situation the framers of the amendment had envisioned: arbitrary refusal of the black man's constitutional rights as a full-fledged citizen. The Supreme Court, however, disagreed. According to Chief Justice Waite, the Fifteenth Amendment did not confer on African Americans—or anyone—the right of suffrage. Only a state could grant that right to its citizens. What the amendment did say was that no state may *deny* any would-be voter the right to vote because of his race or color. It was not a positive grant allowing Congress to regulate or control all interference with a citizen's right to vote; Congress was limited to passing enforcement laws protecting a citizen "from discrimination in the exercise of the election franchise." In other words, any black who had been turned away at the polls had to prove that he had been prevented from voting specifically because of his race. That there could have been no other conceivable reason was not a factor the Court felt it proper to consider.

Kluger, Richard. *Simple Justice*. New York:
Random House, Inc. 2004.
(p. 59)